



Order Filed on January 2, 2018  
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U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY (CAMDEN)

Caption in Compliance with D.N.J. LBR 9004-2(c)

Adam J. Friedman, Esq.  
Friedman Vartolo LLP  
85 Broad Street, Suite 501  
New York, NY 10004  
Attorneys for Fay Servicing LLC as servicer for  
Wilmington Savings Fund Society, FBS, D/B/A  
Christiana Trust, not individually but as trustee for  
Hilldale Trust  
P: (212) 471-5100  
[Bankruptcy@FriedmanVartolo.com](mailto:Bankruptcy@FriedmanVartolo.com)

IN RE:

KYLE SMITH

Debtor(s)

Case No. 17-10159

Hearing Date:

Judge: ANDREW B. ALTENBURG JR.

Chapter: 13

**ORDER APPROVING LOAN MODIFICATION**

The relief set forth on the following page numbered two (2) is hereby **ORDERED**.

DATED: January 2, 2018

  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

THIS MATTER having come before the Court upon the Secured Creditor 's Notice of Motion for an Order approving a loan modification agreement, and the Court having examined the evidence presented, and for good cause shown, it is hereby

**ORDERED** as follows:

1. The Court hereby authorizes Secured Creditor and the debtor(s), to enter into a loan modification.
2. The loan modification agreement between the Secured Creditor and the Debtor(s), attached as an Exhibit to the Secured Creditor's motion, is approved.
3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its Proof of Claim to zero or withdraw the claim within thirty (30) day of completion of the loan modification.
4. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the loan modification was not consummated.
5. In the event the modification is not consummated; the secured creditor shall notify the Trustee and the debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
6. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order or other creditors in accordance with the provisions of the confirmed plan.
7. Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of the Order.

8. With respect to any post-petition orders, claims for post-petition mortgage arrears, and orders for creditor's attorney's fees which are being capitalized into the loan, secured creditor will amend any and all post-petition orders or claims within 30 days after completion of the loan modification.
9. The attorney's fees associated with the Secured Creditor's filing of this motion, in the amount of \$350.00 are deemed recoverable from the Debtor(s).
10. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about the loan modification, and the recording of the loan modification, shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against other in any subsequent litigation.